

APPROVED MEETING MINUTES

**MCDOWELL SONORAN PRESERVE COMMISSION
COMMUNITY DEVELOPMENT CONFERENCE ROOM
1st FLOOR, ONE CIVIC CENTER
7447 E. INDIAN SCHOOL ROAD
THURSDAY, NOVEMBER 3, 2005
5:00PM**

APPROVED MINUTES

PRESENT: Art DeCabooter, Chairman
Carla
Erik Filsinger
Joan Fudala
Virginia Korte
Jerry Miller
Arnold Roy
Linda Whitehead
Solange Whitehead

ABSENT: Christina Kovach, Vice-Chairman
Melinda Gulick

STAFF: Bob Cafarella, Preservation Director
Don Meserve, Preservation Planner
Claire Miller, Preserve Manager
Wendy Hardy, Planner, Planning & Development Services

ALSO PRESENT: Jim Ford, Deputy Chief of Fire & Life Safety for City of Scottsdale
Fire Department
Dan Gruber, Steward

1. **CALL TO ORDER**

Chairman DeCabooter called the meeting of the McDowell Sonoran Preserve Commission to order at 5:00 p.m. A formal roll call confirmed the members present as stated above.

2. **POSSIBLE ACTION: APPROVAL OF OCTOBER 6, 2005 MINUTES**

Commissioner Carla clarified that on page 1, under PRESENT: Gerry Miller should be Jerry Miller. She asked that it also be changed on page 5, in the paragraph following the introduction: COMMISSIONER CARLA MADE A MOTION AS FOLLOWS.

COMMISSIONER MILLER MADE A MOTION TO APPROVE THE MINUTES OF THE OCTOBER 6, 2005 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER FUDALA AND CARRIED UNANIMOUSLY BY A VOTE OF 9 (NINE) TO 0 (ZERO).

3. DISCUSSION/POSSIBLE ACTION: PLAN TO ELIMINATE NOXIOUS PLANTS FROM ALL SOURCES IN AND OUTSIDE THE PRESERVE

Mr. Bob Cafarella handed out a brief written report he to the Commission that was prepared as a result of the last two meeting discussions. The strategies in the report are to be added to and improved upon over the next several months. Mr. Cafarella clarified that the eradication of noxious plants and weeds is imperative and will be a long-term program. He informed the Commission of a program implemented with Ancala by Jerry Miller, Scott Hamilton and himself, in order to harness some resources.

Mr. Cafarella noted that if the Commission had an army of volunteers they could remove noxious plants in the Preserve and work with adjacent HOAs without City Council authorization. Mr. Cafarella reported that the Commission will also be talking with the contractor on Lost Dog Wash to implement a program requiring construction trucks to come onto work sites clean. A similar specification can be included in future contracts for Preserve projects.

Mr. Cafarella stated that an inventory of the worst plants and weeds would continue to be compiled by Commissioner Miller, Wendy Hardy and others, including information from Phoenix, the State, the Forest, The Agricultural Extension, and ASU. He suggested that locations of weeds in the Preserve need to be inventoried during future activities as an ongoing program.

Mr. Cafarella further noted that the Commission needs to get appropriate Conservancy stewards certified through the City and State in the use of herbicides and/or pesticides. The aim would be to use hand labor to the maximum extent possible.

Mr. Cafarella opined that the penetration of unwanted vegetation from outside of the Preserve into the Preserve is the predominant issue to be addressed immediately. He suggested that Lost Dog Wash could be used to trace the Fountain Grass back to where it started.

Mr. Cafarella noted that at the beginning of the fire season, the Fire Department does an excellent job of encouraging homeowners to take preventive measures and suggested taking the opportunity to talk specifically about certain inappropriate vegetation, as well as bringing CAPA into that discussion.

Mr. Cafarella highlighted new opportunities discussed at a previous meeting, such as the Preserve Stewards initiating contact with HOAs in conjunction with the fire season to explain what the issue is and how serious it could be; and creating programs with the stewards such as an eradication event every six months or so. He also mentioned involving the Promotion and Education Committee, including Vice-Chairman Kovach providing recommendations for funding of promotional tasks.

Mr. Cafarella questioned what level of responsibility the Commission wants to take regarding policies, practices, or ordinances of the City. He also stressed the importance of knowing the appropriateness of using a portion of the Preserve tax for these programs.

Commissioner Fudala referred to the "Create New Opportunities" vein and queried whether fellow Commissioners have knowledge pertaining to noxious weeds in relation to allergies. She noted that people living next to the Preserve suffer during certain times of the year and suggested that this could be an incentive to create good PR.

In response to additional inquiry by Commissioner Fudala, Commissioner Miller noted that sage is a member of the ragweed family and Desert Broom creates many problems for homeowners; more so than in the Preserve itself.

Upon inquiry by Mr. Cafarella, brief discussion ensued regarding the process and need for identifying species that have been brought in versus those that are natural Sonoran Desert species.

Commissioner Whitehead remarked that "Create New Opportunities" does not directly specify golf courses that surround the Preserve, which are sources of unwanted invasive landscape grasses such as Fountain Grass.

Upon request for clarification by Commissioner Whitehead, Mr. Cafarella explained that the Commission needs to decide either to take on certain responsibilities or make recommendations to City Council that an entity be created to handle certain projects.

Commissioner Carla referred to research performed by The Center for Native and Urban Wildlife at Scottsdale Community College that identified the types and densities of native vegetation present before the restoration project for the vegetation at Browns Ranch. She further noted that The Center for Native and Urban Wildlife has also performed other research that could be useful.

Commissioner Korte noted that the Browns Ranch restoration project and the relative proportion of trees that were planted was based on the proportion of existing trees in the area: primarily 60% Mesquite, 30% Palo Verde, and 10% other.

Commissioner Carla suggested that Adopt-A-Road be included as a partnership in an effort to assist with removal of noxious weeds.

Commissioner Miller presented a map of weed locations on a planned Preserve map noting the general locations for concentrations of Tamarisk, Red Broom Grass, Fountain Grass, Malta Star Thistle, Buffel Grass, Desert Broom, and Texas Sage. The map denotes that there is a high concentration of almost everything in the State Trust Lands. Desert Broom is everywhere but is not as harmful nor is it spreading as much as Tamarisk or Red broom Grass. Commissioner Miller suggested the possibility of leveraging private companies such as Dow Chemical who are trying to find ways of getting rid of these plants.

Wendy Hardy Presentation

Chairman DeCabooter introduced Wendy Hardy, Planner responsible for the Native Plant ordinance with the Planning & Development Services Department. Ms. Hardy has been with the City for 10 years.

Ms. Hardy clarified that she works with applicants and citizens on the Environmentally Sensitive Land Ordinance (ESLO) and the Native Plant Ordinance. She stated that she is not a noxious weed expert. Ms. Hardy confirmed that a weed management program is not in place currently.

Commissioner Miller questioned whether there are any tools that already exist within the City and what control ordinances already exist through ESLO. Ms. Hardy reported that the ESLO states that non-indigenous plants that have a potential of exceeding 20 feet in height are limited to enclosed areas. People can generally plant what they want inside an enclosed backyard, as

long as the plants don't exceed 20 feet mature height. The ordinance limits all front yard landscaping and everything that is exposed to strictly indigenous plants.

Ms. Hardy presented an ESLO Indigenous Permitted Plant List. In response to inquiry by Mr. Cafarella, Ms. Hardy confirmed that Fountain Grass is not included on the list and suggested that perhaps it is planted in ESLO areas via seed dispersal from enclosed areas.

In response to inquiries by Commissioner Filsinger regarding the mechanism for enforcement, Ms. Hardy explained that the City relies heavily on HOAs for enforcement. The inspectors in Scottsdale's Code Enforcement Division are focused primarily on revitalization efforts in South Scottsdale. In addition to the permitted plant list produced by the City, developers devise their own permitted list of landscape materials for the homeowners in master planned communities being developed. Ms. Hardy presented Landscape Guidelines from a Toll Brothers development including a list of prohibited plants for that specific private development project.

Ms. Hardy recommended that the Commission actively solicit HOAs and seek their assistance on noxious weed as an education campaign and presented the Commission with a City listing of all the HOAs located within a one-mile distance from the Preserve boundary.

In response to a question by Commissioner Korte, Ms. Hardy replied that the City does not produce a list of prohibited plants.

Commissioner Miller inquired about the approval process for development companies. Commissioner Carla suggested that the cause may fit in the Development Review Board (DRB) process. Ms. Hardy stated that the only time staff will see Landscaping Guidelines is when an application submits an Environmental Master Plan. Commissioner Filsinger confirmed that every subdivision must submit Architectural Design Guidelines including a Plant Materials List.

Commissioner Whitehead remarked that builders and HOAs should be operating off of this list (ESLO Indigenous Permitted Plant List) and nothing else. There is a big disconnect in that the list does not specify that they can only plant these plants. Code Enforcement and building inspectors do not understand the list.

In response to a question by Commissioner Filsinger regarding Code offenders being brought to a level of awareness, Ms. Hardy replied that the City does not do residential landscape review.

Commissioner Whitehead suggested amending the List of Plants to include a list of prohibited plants, especially since the Code does not apply to enclosed backyards.

Commissioner Korte suggested that the discussion is going beyond the purview of this Commission. Commissioner Miller opined that in order to protect the Preserve, the Commission must go outside the Preserve in order to obtain some semblance of control. Commissioner Korte cautioned that the Commission is discussing an ordinance that will affect the entire City.

Commissioner Carla agreed that the bottom line is to address the problem, noting that some of the issue will have to be addressed through the Planning and Development Services Department, which is beyond the Commission's purview. Commissioner Carla suggested a City Council task force. Additionally, she queried the Commission's desired steps in moving forward, suggesting the option that the Planning Committee schedule a meeting, bring in experts, make some lists and report back to the Commission with a recommendation.

Commissioner Whitehead agreed that the Commission has the obligation to identify the challenges and dangers and make recommendations.

Commissioner Fudala asked Ms. Hardy whether neighboring communities such as Carefree or Cave Creek have anything beyond a list of noxious plants. Ms. Hardy indicated that she is not aware of anything and that she recently received an email from the Salt River Pima-Maricopa Indian Community inquiring about Scottsdale's weed management program.

Don Meserve asked whether the City encourages the HOAs around the Preserve to remove noxious weeds from natural open space areas, and inquired as to whether there is a City policy that permits or requires such removal efforts. Ms. Hardy indicated that Jim Ford can discuss a recently established program regarding defensible space in the event of a wildland fire, which has been established by the City of Scottsdale Fire Department. Ms. Hardy presented a brochure highlighting this program, which is being distributed to residents.

Jim Ford Presentation

Chairman DeCabooter introduced Jim Ford, Deputy Chief of Fire & Life Safety for the new City of Scottsdale Fire Department. Mr. Ford noted that he has been working in the City for thirty years and has spoken with the Commission at past meetings concerning wildfire threats in the Preserve.

Mr. Ford reported that the Fire Department, along with Ms. Hardy, have worked through some of the issues of defensible space around homes and other development, and have identified a list of plants that can be removed or should be addressed. Mr. Ford noted that concerns include the access points and the edges and stressed that any assistance offered by the Commission to identify what plants should not be on the list, would be very helpful. Mr. Ford also volunteered that the Scottsdale Fire Department would be happy to promote and distribute the list to the community.

Mr. Ford reported that the Fire Department has been working with City Field Services on major roadways, outlining control of noxious weeds and plants for the next 10-15 years. This is a new program to be launched in January/February of 2006 that may create an opportunity for the Commission to restrict the growth of normal native plants and stop the growth of "flash" plants. Mr. Ford committed to keep the Commission apprised of progress.

In response to inquiry by Commissioner Whitehead, discussion ensued regarding any efforts by golf courses to control the spread of noxious plants. Mr. Ford noted that the Southern Arizona Golf Course Association published a letter received from the Scottsdale Fire Department and indicated that golf course operators had not been informed about the steps they can take to provide a better defense against fires.

Commissioner Miller inquired as to what can be done on State Trust lands. Mr. Ford informed the meeting that their Fire Code is specific and can close the Preserve when fire danger is high to extreme. The goal last year when the Preserve was closed was to also restrict access to State Trust lands within the City boundary; little support was received from the State Land department for a closure. Mr. Ford reported that certain past rulings on State Trust lands will be reviewed with the City Attorney's Office this year that could allow the Fire Chief or Fire Marshall to restrict access to large vacant open space areas in Scottsdale, even when it is not City land.

In response to inquiry by Chairman DeCabooter, Ms. Hardy indicated that she would be delighted to work with the Commission.

Chairman DeCabooter requested that the Planning Committee assume the task of working with the liaisons, Commissioner Miller and any other Commissioners who would like to participate in the Planning Committee meetings. Commissioner Carla committed to contact staff tomorrow and schedule something ASAP so that they could make a report at the next meeting.

Mr. Cafarella committed to submit an email with the names of current Planning Committee Members. Commissioner Carla identified the following Members: Commissioner Carla, Chairman; Commissioner Filsinger; Commissioner Arnold Roy; Tim Bray; Rand Hubble from Maricopa County Parks; Joe Yarkin from AZ Game & Fish; former Commissioner Howard Myers; and Tony Nelssen.

Chairman DeCabooter requested that an email be distributed containing meeting times and dates.

Chairman DeCabooter thanked the Planning and Development Services and Fire Departments for their partnership and attendance at the meeting.

4. DISCUSSION/POSSIBLE ACTION: DRAFT MARKETING COMMUNICATIONS PLAN

Chairman DeCabooter referred to the draft Marketing Communications Plan and noted that Commissioner Kovach was unable to attend the meeting. Comments or recommendations on the draft plan should be emailed to Mr. Cafarella, who will forward them to Commissioner Kovach.

5. UPDATE: CONSERVING ARIZONA'S FUTURE

Commissioner Carla reported that they are on track with signatures, reaching out and creating networks within the HOAs. Commissioner Whitehead has been very helpful in the northern area. The goal is to reach a significant number before the legislature goes into session since people in the legislature will propose a referendum, which would also deal with State Trust Land Reform. Commissioner Carla opined that the legislature will not be able to produce something better for our area nor have they been able to produce something for the past nine years.

Opponents efforts underway are led by the Arizona Cattleman's Association, which has commenced a new campaign called "Protect Teacher's Salaries" in order to get traction in the rural areas.

6. DIRECTOR'S REPORT

Mr. Cafarella reported that Scottsdale sales tax receipts are up approximately 15% this year. The Gateway planning process is still moving forward.

The joint program with the Desert Discovery Center has slowed on the public side and the designer assures that he will be able to pick up the pace. Mr. Cafarella suggested holding a joint meeting with the Parks Commission in February/March wherein the designer will present renderings and site plans for the Gateway Access Areas and obtain feedback from the Commissions.

Mr. Cafarella reported that the Capital Improvement Program (CIP) for the next 5 years has been prepared. Provided the State Land Reform goes through, it is hoped that five years from now the City will own the Little Granite Mountain area. A \$100,000 Mitigation Program for two years has been submitted for trail removal. Once the State Trust land around Little Granite Mountain is owned by the City, a plan for irradiating two-thirds of the existing trails that are unwanted can be created, with the other one-third maintained for trail users.

Mr. Cafarella reported a very successful court resolution on the case regarding the value of the Financial Builders property in the Preserve. The Yuan case is another 40-acre parcel set for a January court date, having the same process and a similar cast of players.

Mr. Cafarella reported that Claire and Scott have completed the alignment of the Bell Pass and the Gateway Loop Trail, and the construction of the two new Preserve trails is expected to be completed in the New Year.

7. PRESERVE MANAGER'S REPORT

Claire Miller reported that the solicitation of bids for constructing the Bell Pass and Gateway Loop Trails is currently on the street and the pre-bid hike meeting for prospective contractors is scheduled for November 18, 2005. The Wingate Pass Equestrian Ride event during McDowell Sonoran Month in October did not generate enough interest and was canceled.

Ms. Miller attended a "Getting Arizona Involved in Neighborhoods" (GAIN) neighborhood event where residents expressed their interest in the progress of the Gateway Access Area.

Commissioner Whitehead requested names of McDowell Mountain Ranch HOA representatives in order to solicit contributions for the effort. Ms. Miller volunteered to send her the information.

Mr. Meserve recalled a request at the last meeting to receive a report from staff regarding naming geographic features in the Preserve. He reported that staff is working on 19 application forms to be submitted to the State with the proposed names. He has spoken with JoAnn Handley, Scottsdale Historical Society, to see what information they have at the museum. Conversation also occurred with Julie Hoff, an employee in the State office that reviews the applications. Ms. Hoff indicated that it will take awhile to process the 19 forms. The Arizona State Board on Geographic and Historic Names meets quarterly; the next meeting is in January. Staff hopes to have the Preserve names placed on the Board's April agenda for approval.

Commissioner Carla inquired regarding the status of the next USGS map revision and reprinting, stressing that specific print cycles occur for an area every 3 to 5 years and it would great to have the names approved and included in the next print cycle for Scottsdale maps.

Mr. Meserve reported that an application came in a week ago requesting a use permit for a cellular tower near the northeast corner of Jomax and Hayden Roads, approximately a quarter of a mile in from the corner. The application was incomplete and will be heard at a later time. Mr. Cafarella explained the City process to new Commissioners for new wireless facilities proposed within the planned Preserve boundary. Mr. Meserve further explained that when the wireless ordinance was approved, there were four levels. The most rigorous review process is Type 4 including use permits for facilities in the Preserve. The new application is case #23-UP-2005 under the name APS Cricket Hayden. T-Mobile is the vender.

8. FUTURE EXECUTIVE SESSION FOR MCDOWELL SONORAN PRESERVE COMMISSION

COMMISSIONER CARLA MADE A MOTION TO HOLD AN EXECUTIVE SESSION ON DECEMBER 1, 2005, FOR THE PURPOSE OF DISCUSSION WITH REPRESENTATIVES OF THE PUBLIC BODY AND CONSULTATION WITH CITY ATTORNEY FOR LEGAL ADVICE TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATING FOR PURCHASE OR LEASE OF REAL PROPERTY FOR INCLUSION IN THE MCDOWELL SONORAN PRESERVE. ARS 38-431.03 (A) (3) and (A) (7).

THE MOTION WAS SECONDED BY COMMISSIONER FILSINGER AND CARRIED UNANIMOUSLY BY A VOTE OF 9 (NINE) TO 0 (ZERO).

9. COMMISSIONER'S COMMENTS AND PUBLIC COMMENTS

Commissioner Carla reported that the McDowell Sonoran Conservancy Preserve Connections Hikes over the past weekend were well received. One 911 incident occurred on Saturday's hike when a woman fell and broke her hip. She noted that it is necessary to discuss emergency services getting in as well as discussions with City Risk Management about disclosures, etc.

Chairman DeCabooter thanked Dan Gruber, Preserve Steward, for his great Mayor's Breakfast presentation.

10. AGENDA ITEMS FOR FUTURE MEETINGS

Mr. Cafarella inquired about the possibility of inviting Roy Kinsey from Fountain Hills to an upcoming meeting to update the Commission on their current activities.

Chairman DeCabooter requested that Mr. Cafarella make the arrangements. Commissioner Carla noted that the Dixie Mine Trailhead in Fountain Hills is scheduled to be opening at the beginning of next year.

Commissioner Carla requested that time be set aside for an update on noxious weeds as she expects to schedule the Planning Committee meeting within the next two weeks.

Commissioner Filsinger requested an update on Thompson Peak for trail planning purposes.

11. ADJOURNMENT

With no further business to discuss, the regular meeting adjourned at 6:24 p.m.

Respectfully submitted,
AV Tronics, Inc.